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Proposals to the World Bank Presented in Conjunction with the Upcoming Consultative Group on Indonesia (CGI) Meeting

Introduction

The Japan NGO Network on Indonesia (JANNI) was formed in March 1992 at the 8th International NGO Forum on Indonesia (INGI) which was held in Kanagawa Prefecture, Japan, and the executive committee for the INGI meeting serves as JANNI coordinators. JANNI was established to provide a clearinghouse for information, research and proposals concerning the issues being faced by the Indonesian people.Through INGI, we are in contact with colleagues in Indonesia and other countries. Approximately 50 Indonesian NGOs participate in INGI, their fields ranging from health & hygiene and rural development to environmental protection and human rights. On the occasion of the second meeting of the Consultative Group on Indonesia in Paris (June 29 and 30), we wish to convey our concerns which are shared by numerous NGOs in Indonesia itself and elsewhere. Among these are the followings:

- Indonesia has recorded phenomenal economic growth in recent years. However, hidden in the shadow of this achievement is a widening gap in income between the rich and the poor. A full 15% of Indonesia's population, or 27 million people, are said to be still live in absolute poverty. Development efforts in Indonesia should give precedence to decreasing this income disparity and improving the lives of the poorest strata of society. Recent Indonesian government economic liberalization policies, however, have benefited mainly the rich and elite.
- In the process of development in Indonesia, insufficient attention has been paid to the effects on the natural environment, as well as to protection of the rights of local people with respect to utilization of resources, and possession and use of their land.
- The Indonesian Government has carried out serious suppression of human rights. Of particular concern are recent violations of the freedom of association and the freedom to carry out activities by various NGOs and citizens groups. The Indonesian Government has used "cultural differences" and "the priority of econom-

ic development" as excuses to openly defy the worldwide trend towards the protection of human rights and democracy. INGI on the other hand believes that human rights are universal, and that they should be respected both by the Indonesian Government and by institutions which are providing aid to Indonesia. INGI has stressed that a form of development in Indonesia that benefits all of the country's people will be realized only if, through democratization and human rights, people have access to information and are guaranteed the right to freely express their thoughts and participate in the development process.
- Although Indonesian law allows workers to form unions and hold meetings, in reality various government decrees have placed many restrictions on these rights. There are also many instances of intervention in labor disputes by the Ministry of Public Order. INGI has demanded the removal of the numerous regulations and restrictions which run counter to the Indonesian Constitution and international labor standards like the International Labor Organization (ILO) Convention.

Proposals

1.Human Rights
At the Regional Meeting for Asia of the World Conference on Human Rights in Bangkok from March 29 to April 2, the representative of Japan stated; "Human rights should not be sacrificed for development. Rather, development should serve to promote and protect economic, social, and cultural rights, as well as civil and political rights." Furthermore, "My delegation does not accept the view that to express concern over grave violations of human rights in whatever country such abuses may occur is an interference in that country's internal affairs." And finally, "When development assistance is to be provided, full attention should be paid, among other things, to the situation regarding the securing of basic human rights and freedoms in a recipient country, and to the efforts being made in that country to promote democratization."

We warmly welcome the Japanese Government's recognition of these important principles. We hope that these principles, affirmed at the Bangkok meeting, will be put into practice at the CGI meeting, and that the CGI will take up human rights issues at the meeting.

The human rights situation in Indonesia is extremely bad, and the following are but a few examples of the abuses that exist.

A. Restrictions on Freedom of Association
a) Only two political parties, the Development Unification Party and the Democratic Party, are permitted under the Political Party and Golkar Law (1985, Law No.3). In addition, this law gives the president the power to control the parties' executive bodies and freeze their powers if they are considered to be in

violation of the law.
b) The Mass Organization Law (1985, Law No.8) strictly limits the scope of activities carried out by NGOs and religious groups. In particular, Chapter 7 , Article 13 - 16 of this law gives the Government the right to dissolve such organizations.

B. Restrictions on Freedom of Expression
a) Under the Anti-Subversion Law, anti-government statements or actions are punishable by death.
b) Contempt of government and lese majesty with respect to the President or Vice President, both of which are criminal offenses, can carry prison terms of seven and six years, respectively.
c) The Publication Permit (1982, Law No.21) gives the Government the right to issue publication licenses. Criminal charges are imposed in the case of unlicensed publications or publications deemed to deviate from the purposes defined in the publication law.
Recently the Minister of Defense and Public Order affirmed that a ban prohibiting members of the "Petition-of-50" group (persons critical of the government) from leaving the country was still in effect. Besides these people, it is estimated that 15,000 to 17,000 people are prohibited from leaving the country because of their beliefs. We believe that this government measure ignores Article 13 of the Universal Declaration on Human Rights which ensures the right to leave and return to one's country.

C. Fairness of elections called in question
a) Both candidates and voters are subject to governmental screening and can be deprived of their right to participate in elections because of their beliefs.
b) The president appoints one fourth of the National Council members.
c) The General Election Law prohibits the Pancasila and the 1945 Constitution being questioned in election campaigns.

D. Specific Issues

a.<East Timor>
The Indonesian Government announced its rejection of an appeal to improve the human rights situation in East Timor which was included in a resolution adopted by the United Nations Commission on Human Rights this year. In fact, for over a year the International Committee of the Red Cross has been severely restricted in its attempts to visit East Timorese prisoners, and Amnesty International has never been allowed to enter East Timor despite repeated requests. Since May, the International Committee of the Red Cross has had no access whatsoever to East Timorese prisoners.
Last November Xanana Gusmao, chairman of the CNRM, was arrested, subsequently tried and sentenced to life imprisonment. A variety of human rights violations occurred throughout the process, from the arrest to the trial. Xanana was held incommunicado for the first three weeks and was not allowed to contact his lawyer. The trial was held in East Timor, which Indonesia occupies in viola-

tion of international law. And the court cut short the defendant's final statement, an act not allowed even by Indonesia's own law.
Intimidation of the population is said to have worsened since the Santa Cruz massacre of November 1991, and last week seven East Timorese, fearing for their safety, sought political asylum in the embassies in Jakarta of Finland and Sweden.

b.<Acehnese refugees in Malaysia>
Conditions of Acehnese who have fled to Malaysia continue to deteriorate. As Malaysia refuses to recognize them as political refugees, the majority are forcefully sent back to Indonesia without any guarantees of their safety. Back in Indonesia, these people are subject to torture and often disappear under mysterious circumstances. Various forms of human rights abuses by regional security forces such as arbitrary arrests, torture, and rape are reported to be rampant in Aceh.

c.<Irian Jaya, Forest protection movement>
The Moi people of the Sorong district in Irian Jaya have been opposing a logging company, PT Intimpura, and a company, PT Kayu Lapis, seeking to build a large pulp and plywood mill. Large scale logging has already caused serious destruction to the forests of the Moi people and the proposed pulp and plywood mill would pollute the area's rivers. Regional security forces have intimidated the Moi activists opposing the two companies, some of whom are not even allowed to approach their own villages.

d.<Kedung Ombo Dam>
Residents who refused to leave their land and remain in the vicinity of the dam are unable to make a living without arable land. Alternative land is urgently needed for these people.

e.<Military intervention in the affairs of the Batak Protestant Christian Congregation>
In November 1992, the North Sumatra branch of Indonesia's internal security agency intervened in an internal conflict over the choice of the head (ephorus) of the Batak Protestant Christian Congregation (HKBP) and issued a decree to appoint its own choice for ephorus. On January 17, some 40 church members who protested against the decree were arbitrarily taken to the district military command. They were only released on January 22 after being subjected to torture and other forms of harsh treatment. As a condition for release, the detained church members were forced to sign a pledge expressing support for the army's decision at the coming general church convention (Synod). From the start, all press coverage of this incident was prohibited in North Sumatra, and on January 9 the Indonesian government issued a decree banning all individuals and organizations from commenting on the HKBP crisis. The military's action, which threw the HKBP, one of the leading Christian churches in Indonesia, into disarray, has been harshly criticized abroad as an extreme violation of freedom of religion and the right of religious bodies to manage their own affairs, both of which are clearly guaranteed in Article 29 of the Indonesian Constitution.

f.<Persecution of former political prisoners>
"Former political prisoners" refers to persons who were imprisoned without trial in the wake of the 30 September 1965 Affair. Even after being released, they are deprived of civil rights such as the right to choose their occupation and the right to move freely. Writers who are former political prisoners, such as Pramoedya Ananta Toer, are prohibited from publishing their works in Indonesia.

g.<Forced relocation for golf course development>
No fewer than twelve new golf courses are to be completed by the end of 1993, and another thirty applications are under consideration. Golf has grown in popularity among a segment of Indonesia's elite, but at the same time related social and environmental issues such as forceful relocation of residents and soil and water pollution have intensified. As recently as April 14 1993, eight hundred people from four villages in the subdistrict of Ciawi, West Java demonstrated against plans to transform their agricultural plots into a golf course, and fourteen villagers were arrested. A number of golf course developments are concentrated in Java, one of the most densely populated areas in the world, and incidents similar to the Ciawi case are occurring in various parts of Java.

h.<Family Planning>
While steps to integrate family planning programs into the field of primary health care are welcome, as was pointed out at the INGI Conference last year, local officials are still being given quotas to meet, and particularly in rural areas, family planning principles such as "informed consent" and "free choice" are allegedly not well observed. The informational and educational aspects of the family planning program should be strengthened if the principle of "people's participation" is to be observed. The need for an independent monitoring body to reflect the views of women has also been pointed out.

2. Poverty issues
At the Regional Meeting for Asia of the World Conference on Human Rights, the representative of Indonesian emphasized the importance of economic, social and cultural rights. We agree with this view. We also consider it very significant that Mr.Ginandjar, head of the Economic Planning Bureau, has prepared a "Poverty Map" in an effort to demonstrate a gap in development among different regions. In order to reflect this kind of consciousness, we propose that the CGI routinely take up poverty issues. We also request that reports on the economic situation in Indonesia articulate the existing conditions of absolute poverty, unemployment and income distribution as well as trends in national budget allocation for education and welfare, on the one hand, and military expenditures, on the other.

3. ODA

In view of the Declaration on Human Rights, Democracy and Development adopted by the EC in November 1991, and the Japanese Government's Policy Framework on ODA (June 1992), we request that the CGI set up the following mechanisms;

(1) Establish a working group to set guidelines and conditionality for ODA with respect to human rights.

(2) Within the working group, set up a sub-group on the East Timor issue, with a view to working out a solution to the problem.

(3) Involve international legal experts on human rights and members of the NGO community in these working groups.

Apart from the above proposals, we request that the CGI include in its statement a clear affirmation of the importance of democracy, protection of human rights, openness, and access to information as well as the need to support a greater role for grassroots organizations (NGOs) and to include these NGO components in the decision-making process in development projects.

Moreover, we would like to call attention to the recent purchase of 24 British-made "Hawk" fighter planes and 39 naval vessels of the former East Germany by the Indonesian Government despite the worsening state of the latter's national budget.

4. Gender perspectives

As has recently been pointed out by a women's group in Indonesia, discrimination against women in Indonesia is very serious. For example, only 0.2% of the nation's female labor force is employed in white-collar jobs. Male/female differences in the school attendance rate and in wages still exist. Therefore, we request that the CGI attempt to highlight the gender gap in economic and social indices in Indonesia and to take women's opinions into consideration in both project planning and the implementation process.

5. Labor issue

Indonesia has increasingly come under international scrutiny for its non-compliance with international labor standards with regard to the so-called three principle rights of workers'(freedom of association, the right to organize, and collective bargaining, the right to strike). Current Indonesian policy shows no signs of easing up on restrictions on these rights. For example with regard to freedom of association, requirements for registering labor unions have become increasingly complicated and difficult to meet. And a number of procedures and constraints are imposed on the right to organize and engage in collective bargaining which in practice make it almost impossible for workers to exercise these rights. Since the beginning of the 90's, and despite the immense difficulties, Indonesian society has witnessed a number of cases in which workers have dared to resort to 'illegal' strikes to demand better wages and working conditions. This indicates an intensification of labor problems in Indonesia. We request that the CGI advise the Indonesian government to

guarantee the three principle rights of workers.

6. Environment

We believe that environmental issues should also be routinely discussed at the CGI. The Center for International Forestry Research and the Muria Nuclear Power Plant are major projects, for instance, which will have a great impact on the future of the nation. However information on these projects, including feasibility studies and their results, have not been made public, giving rise to serious concerns. In the case of the former it is feared that the nation's sovereignty over genetic natural resources may be threatened, and in the case of the latter, local residents fear exposure to radiation. We believe that communities affected by development projects with an expected environmental impact must, from an early stage, be given sufficient information and opportunities to express their views. We propose that the CGI call for access to information and to have dialogue with community people in the course of development project.

With regard to forest development, which has been shifting to the eastern part of Indonesia, we request that the CGI prepare comparative data on the volumes of logging and replanting, report on the existing conditions of development in Mangrove forests in terms of the protection of wetlands, and that it discuss the effectiveness and pros/cons of afforestation projects.

7. NGOs

Today, NGOs are recognized internationally as playing an indispensable role in participatory-oriented development. NGOs are being given observer status in more and more official planning meetings such as the ministerial level meeting on reconstruction of Cambodia that was held last year in Tokyo, and in the body which grew out of that meeting, the International Committee on Reconstruction of Cambodia (ICORC). Thousands of NGOs now carry out a variety of activities in Indonesia, and their role in providing basic human needs and participating in development at the grass-roots level has become indispensable. For instance, some of the NGOs which participated in the INGI Conference conduct training programs to improve management skills of local people in a government-lead irrigation project. The input of NGOs is essential in evaluating the direction of development from the people's point of view. We request that the CGI permit NGO participation in its meetings.

8. Indonesian economy

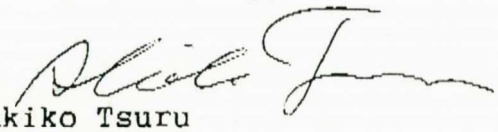
According to recent newspaper reports in Indonesia, the World Bank has expressed critical views of Indonesia's industrial policy with its emphasis on the development of advanced technology. The World Bank reportedly claimed that this high-tech-oriented policy would place a heavy burden on the country's finances, lead to ineffective investments, and contribute little to creating a large volume of employment. We request that the CGI carefully scrutinize ODA for Indonesia to ensure that it will

not be used for investments which are irrelevant to the improvement of the welfare of the masses nor be wasted on construction of facilities which could give rise to pollution. Also, the CGI should take care to ensure that ODA does not create unhealthy relationships between Indonesian interests and Japanese industries.

9. Publication of Data
We request that all documents and data presented to the CGI by international organizations and countries as well as the economic report on Indonesia by the World Bank be made public.

Thank you for your attention to these problems.

Yours sincerely,



Akiko Tsuru
Secretariat,

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